

**COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP**

Terence S. Cox (SBN 076142)
Marc T. Cefalu (SBN 203324)
190 The Embarcadero
San Francisco, CA 94105
Telephone No.: 415-438-4600
Facsimile No.: 415-438-4601

Attorneys for Defendant
AMERICAN SHIP MANAGEMENT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GEORGE ROBERTS,

Plaintiff,

v.

AMERICAN SHIP MANAGEMENT, LLC

Defendants.

Case No.: C 04-1933 JSW

**STIPULATION AND
~~PROPOSED~~ ORDER TO
CONTINUE THE EXPERT
DISCLOSURE DEADLINE, THE
EXPERT DISCOVERY CUTOFF,
AND THE LAST DAY TO HEAR
DISPOSITIVE MOTIONS**

IT IS HEREBY STIPULATED by and between the parties to this action, through their respective counsel, that *good cause* exists to continue the expert disclosure deadlines of June 3, 2005 [plaintiff's disclosure of experts and reports], June 17, 2005 [defendant's disclosure of experts and reports], and July 1, 2005 [last day for rebuttal expert reports] by approximately 60 to 90 days to allow for the simultaneous disclosure of experts and reports by August 12, 2005, with any rebuttal reports due August 26, 2005, to continue the current expert discovery cutoff of August 19, 2005 to September 23, 2005, and to likewise continue the last day to hear dispositive motions from July 1, 2005 to September 2, 2005. *The requested continuances will have no effect on the trial date, pretrial filing dates, the Pretrial Conference date or any other deadlines already imposed by the Court.* The parties submit that the requested continuances are in the interests of justice based upon the following:

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS, LLP
190 THE EMBARCADERO
SAN FRANCISCO,
CA 94105
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ASM.Roberts/2166

1. The plaintiff is a merchant seaman who resides in Tacoma, Washington.
2. The parties appeared before this Court on November 12, 2004 for the Initial Case Management Conference. At that time, the Court set the following schedule: (1) Fact Discovery cutoff of May 20, 2005; (2) Expert Discovery Cutoff of August 19, 2005; (3) Plaintiff to disclose Experts and Reports by June 3, 2005; (4) Defendant to disclose Experts and Reports by June 17, 2005; (5) Last day to disclose rebuttal reports of July 1, 2001; (6) the last day to hear dispositive motions by July 1, 2005; (7) a further Case Management Conference on April 15, 2005 with a Pretrial Conference scheduled for October 11, 2005 and trial scheduled for October 31, 2005.
3. Due to scheduling difficulties the parties were unable to schedule the plaintiff's deposition before the April 15, 2005 Further Case Management Conference. At the Further Case Management Conference the Court Issued its Civil Minute Order directing that Private Mediation be completed by July 15, 2005, that "Discovery is opened for 5 depositions for mediation purposes," that the Settlement Conference before Magistrate Judge Chen be vacated and that a Further Case Management Conference be scheduled for July 29, 2005.
4. The plaintiff's deposition began on May 13, 2005, in San Francisco, California. The plaintiff's deposition was not able to be completed on May 13, 2005 due to the scheduling of a mediation in another matter for that same date with the same plaintiff's counsel.
5. The plaintiff's deposition was completed in Seattle, Washington on June 22, 2005. The depositions of the plaintiff's treating physicians were also completed in the Seattle area on June 22 and 23, 2005, which were the first set of back-to-back dates available to schedule the doctors' depositions which were also convenient to counsels' calendars so as to avoid the time and the legal expense of having to travel to the Seattle area on more than

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once occasion to complete those depositions.

6. Since both the plaintiff's deposition and the depositions of his treating physicians could not be completed until June 23, 2005, it would have been premature to disclose experts and reports prior to that time.
7. The parties respectfully request that the parties be allowed to simultaneously disclose experts and reports on August 12, 2005 with rebuttal reports due August 26, 2005, that the expert discovery cut-off be extended to September 23, 2005 and that the last day to hear dispositive motions be continued to September 2, 2005. The requested continuances are in the interests of justice and will provide the parties with adequate time to prepare their cases for trial should the case not settle at mediation.

Dated: June 28, 2005

LAW OFFICES OF LYLE C. CAVIN, JR.
Attorneys for Plaintiff, GEORGE ROBERTS

By: 

Alfred G. Johnson

Dated: June 28, 2005

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Defendant
AMERICAN SHIP MANAGEMENT, LLC

By: 

Terence S. Cox

PURSUANT TO STIPULATION IT IS ORDERED THAT:

The simultaneous Disclosure of Experts and Reports is continued to August 12, 2005;
The exchange of any Rebuttal Expert Reports is continued to August 26, 2005;
The Expert Discovery Cutoff is continued to September 23, 2005; and,
The last day to hear dispositive motions is continued to September 30, 2005.

By: /s/ Jeffrey S. White

The Honorable Jeffrey S. White